

**Judiciary Committee  
Public Hearing**

**March 6, 2009**

**Testimony of Theresa C. Lantz, Commissioner, Department of Correction**

**Governor's Bill 6381, An Act Concerning DNA Collection from Certain  
Convicted Individuals**

Good morning, Senator McDonald, Representative Lawlor and distinguished members of the Judiciary Committee. I am Theresa Lantz, Commissioner of the Department of Correction. I join you this morning to testify in strong support of the Governor's Bill No. 6381, An Act Concerning DNA Collection from Certain Convicted Individuals.

The bill addresses the taking of DNA samples of offenders and supports the Department of Correction's efforts to take DNA samples at the front end of an offender's incarceration post conviction, rather than at the back end, to assist the Department of Public Safety and other law enforcement agencies in solving criminal cases in a timely manner. The governor proposes an increase in the penalty (from a class A misdemeanor to a class D felony) for refusing to submit to the taking of a sample and would permit the Commissioner of Correction to use reasonable force to collect a sample when an inmate continues to refuse to submit to the taking of a sample. While we have had about a 98 percent voluntary compliance rate when we take samples prior to discharge of the inmate, we do anticipate a high number of inmate refusals if samples are taken at the front end of incarceration. Currently, there is no real incentive to cooperate if an inmate comes in with a long sentence and has concerns about being identified for another crime. The proposed language allows us to support public safety and the efforts of our law enforcement partners.

Under existing policy, all individuals convicted of a felony or required to register as sex offenders must submit to DNA sampling for the purpose of placement into Connecticut's DNA data base to be used to assist in solving crimes, including cold cases and to exonerate innocent parties. However, currently, if a felon or sex offender refuses to comply with the law, the only mechanism to obtain compliance is the threat of a class A misdemeanor prosecution. For offenders who have already been convicted of felony offenses, an additional misdemeanor charge is not likely to deter their actions of non compliance. In fact, offenders now can accept additional time and discharge on the misdemeanor without DNA sampling. The refusal to provide DNA sampling should amount to a felony offense as the DNA database is critical for efficient and fair law enforcement and will more likely result in compliance by offenders. Additionally, if the offender still refuses to comply with the law, the Department of Correction should be able to

use reasonable force to collect a DNA sample. Reasonable force would be used after all other interventions fail. A DNA sample would be obtained from an offender using a bite stick and buccal swab or the collection of a blood or other biological sample.

The Department of Correction would rather not use reasonable force; hopefully the threat of felony prosecution will deter the refusal. However, because Connecticut's DNA database is such an important component of effective law enforcement, there must be a mechanism and protocol to ensure collection of the DNA sample. Currently there are no statutes that address the Commissioner of Correction's use reasonable force in this situation. The use of reasonable force should be an option to ensure compliance. The public will benefit as more collection will result in a more complete database and, hopefully, more crimes will be solved. It also will eliminate undue delay in DNA testing procedures and reduce legal challenges.

Thank you for the opportunity to appear before you today in support of Governor's Bill No 6381. I would be happy to answer any questions you may have.